



- ♦ Administrative Office of the United States Courts ♦ Bureau of Justice Statistics
- ♦ Executive Office for the United States Attorneys ♦ Federal Bureau of Prisons
- ♦ United States Sentencing Commission

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Comparing Case Processing Statistics

Information describing Federal criminal case processing is decentralized. Each of the Federal criminal justice agencies collects similar data describing criminal case processing events. However, based on the specific needs and missions of the individual agencies, different criteria are used to tabulate and report these data. Therefore, statistics published or reported by the agencies are not directly comparable. The differences are primarily due to the way in which the agencies:

- Tally *defendants and cases processed*
- Define *defendants processed*
- Classify *offense committed*
- Classify *disposition and sentence imposed*.

Federal criminal justice agencies

The *Department of Justice* collects data on the workload and activities of the United States attorneys. According to the Executive Office for the U.S. Attorneys, the U.S. attorneys initiate approximately 95 percent of the criminal cases prosecuted by the Department. Litigating divisions of the Department handle the remaining cases. While many of the cases initiated by the litigating divisions are included in the U.S. attorneys' database, each division maintains its own separate data collection system to track cases processed.

Comparison of the number of defendants processed by Federal agencies, 1996

Defendants —	All offenses				Drug trafficking offenses only			
	Executive Office for U.S. Attorneys	Administrative Office of the U.S. Courts	U.S. Sentencing Commission	Federal Bureau of Prisons	Executive Office for U.S. Attorneys	Administrative Office of the U.S. Courts	U.S. Sentencing Commission	Federal Bureau of Prisons
Cases filed	58,141	67,700	NA	NA	20,788	21,528	NA	NA
Cases terminated	52,366	62,946	NA	NA	18,692	19,267	NA	NA
Convicted and sentenced	45,380	52,270	42,436	NA	16,083	16,461	16,251	NA
Imprisoned	33,136	37,579	33,962	35,254	14,432	15,535	15,371	15,203

The table illustrates how these differences affect the number of defendants reported by the agencies at various stages of the Federal criminal justice system. For example, the difference in the number of defendant in cases filed that is reported by the U.S. attorneys and the Federal judiciary is primarily attributable to the handling of defendants in cases filed before U.S. magistrates: the judiciary includes these defendants in their official statistics whereas U.S. attorneys do not.

The differences identified can be reconciled by standardizing certain case processing concepts. The agencies agreed that the Bureau of Justice Statistics will reconcile the case processing statistics reported by the agencies. These reconciled statistics will be part of the annual report *Federal Criminal Case Processing Statistics*. This report, which will highlight specific aspects of the Federal criminal justice system, will conform to the standards used in the BJS *Compendium of Federal Justice Statistics*. The *Compendium*, also an annual report provides greater detail about defendants processed at each phase of the Federal criminal justice system.

The *Administrative Office of the United States Courts* collects data on the caseload and activities of the Federal judiciary including district court judges, magistrate judges, and the probation and pretrial services system. The Federal judiciary handles all Federal criminal cases whether initiated by the U.S. attorney offices in each judicial district or by other divisions within the Department of Justice.

The *United States Sentencing Commission*, while not collecting workload statistics, collects data on defendants convicted in Federal courts who were sentenced pursuant to the provisions of the Sentencing Reform Act of 1984. It is estimated that approximately 86 percent of all defendants convicted are sentenced pursuant to the Federal sentencing guidelines.

The *Bureau of Prisons* collects data on Federal prisoners. Reported statistics include size (including admissions, releases, and standing count) and composition of the Federal prison population.

Comparing published Federal case processing statistics

While each of the Federal agencies processing criminal defendants generally reports on the same individuals, many of the case processing statistics vary across agencies. The differences in these reported statistics are attributable, in part, to the differing needs and missions of the agencies. The primary differences in data collection techniques are described below:

Tally of defendants and cases processed

While each agency's statistical publication reports on the same 12-month period (October 1 through September 30), the agencies' reports do not necessarily describe the same records. Except for the U.S. attorneys, the agencies report on those records for which an event actually *occurred* during the reporting period. The U.S. attorneys, on the other hand, report on those records for which an event was recorded or *posted* in their database during the reporting period even if the event actually occurred prior to the start of the reporting period. In addition, because the Sentencing Commission relies on the submission of paper documents, cases for which documents were received after a certain cut-off date are not reported.

Defendants processed

Even though there is an identifiable cohort of individuals processed in the criminal justice system, the definition of a defendant can vary across agencies. The U.S. attorneys and the Federal judiciary have similar definitions of a criminal defendant. The U.S. attorneys define a criminal defendant as a person for whom a significant paper has been filed in Federal court before either a U.S. district court judge or a U.S. magistrate judge. The Federal judiciary defines a criminal defendant as a person against whom a U.S. district court judge or a U.S. magistrate judge has taken a specific action. (While the U.S. attorneys and the Federal judiciary define defendants in similar ways, the U.S. attorneys report separately the number of cases filed before U.S. magistrate judges.) For both the U.S. attorneys and the Federal judiciary, an individual person may be counted more than once if the defendant appeared in more than one case. The Sentencing Commission, on the other hand, defines a defendant as a person for whom a sentencing event has occurred. Unlike the U.S. attorneys and the Federal judiciary, the Sentencing Commission counts individual defendants more than once only if the defendant was sentenced on more than one occasion. Therefore, defendant counts reported by the Sentencing Commission are typically lower than those reported by the U.S. attorneys and the Federal judiciary.

Offenses committed

The Federal code defines hundreds of laws for which defendants can be criminally prosecuted. While all agencies collect statute-specific offense data, data describing criminal statutes are typically consolidated into more descriptive offense categories for reporting or management purposes. Even though each agency consolidates the Federal statutes using the same generic criteria, like the substance of the offense (e.g., murder, fraud, and drugs), the composition of these categories often varies by agency. Unlike offense categories reported by the Federal judiciary, the U.S. Sentencing Commission, and the Bureau of Prisons, those reported by the U.S. attorneys are not based entirely on statutes. The U.S. attorneys assign program categories and charges according to the type of criminal action

or specific departmental initiative. For some offenses, particularly fraud offenses, the U.S. attorneys' program categories are more descriptive than the offense categories used by other agencies. For example, an offense charged under a specific fraud statute would be assigned a program category by the U.S. attorneys that details a specific type of fraud, e.g., health care fraud; or, an offense charged under a weapons statute might be assigned a program category that indicates *Project Triggerlock* if the defendant was a repeat weapons offender.

The U.S. attorneys assign the most significant, or most serious, offense in a manner that also differs from the Federal judiciary, the Sentencing Commission, and the Bureau of Prisons. The U.S. attorneys assign the most significant offense based on the priority of a particular program category within the Department of Justice, whereas the other agencies define the most significant offense based on the offense statutory maximum (or, in the case of the Bureau of Prisons, the actual sentence imposed).

Disposition and sentence imposed

Only the U.S. attorneys and the Federal judiciary report on the number of defendants in cases terminated during a given reporting period. In describing the offenses for which defendants were convicted, classification of the terminating offense differs by agency. The U.S. attorneys report the original program category assigned regardless of whether the defendant was convicted of the charge associated with that program category. The other agencies report the most serious offense for which the defendant was actually adjudicated.

Each agency reports whether imprisonment or probation was imposed and the duration of the term as well as whether a fine and/or restitution was ordered. However, the reporting of sentences imposed has a different priority within each agency. For instance, in furtherance of its mission to promulgate the Federal sentencing guidelines, the Commission collects the most detailed data on sentences imposed and the mechanisms for determining the sentence.

Bureau of Justice Statistics

Recognizing the incomparability of case processing statistics across Federal agencies, in 1982, the Bureau of Justice Statistics implemented the Federal Justice Statistics Program. The goals of the Federal Justice Statistics Program are to provide uniform case processing statistics across different stages of the Federal criminal justice system and to track individual defendants from one stage of the process to another. Using data obtained from each of the Federal agencies, the Bureau of Justice Statistics compiles comprehensive information describing individuals processed in the Federal criminal justice system. Uniform definitions are applied to commonly used statistics describing data from each stage of the criminal justice process. Further, because the definitions used in the Federal Justice Statistics Program are consistent with the definitions used by other Bureau of Justice Statistics programs, the comparison of Federal and State case processing statistics is facilitated.

In addition to the reconciled statistics, the BJS publishes two series of publications describing the Federal criminal justice system: the *Compendium of Federal Justice Statistics*, an annual publication that describes events occurring in the Federal criminal justice system, and a series of Special Reports addressing specific aspects of the Federal criminal justice system, specific offenses, or other special issues of interest.